

In 2016, Georgia made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Georgia is receiving this assessment because it continued to implement a law that delayed advancement in eliminating the worst forms of child labor. The Government failed to remedy the abolition of its labor inspectorate, caused by its adoption of the 2006 Labor Code. Since that time, the Government has lacked a functioning labor inspection mechanism to monitor, inspect, and enforce child labor laws. Otherwise, the Government made efforts by publishing a National Child Labor Survey and both enacting and drafting legislation intended to improve ease of access to social services for children living and working on the street. Children in Georgia perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including forced begging. The Government lacks a coordinating mechanism to address child labor. In addition, the compulsory education age left 15-year-old children vulnerable to the worst forms of child labor, as they are not required to be in school, but are not legally permitted to work full-time.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Georgia perform dangerous tasks in agriculture.(1-7) Children also engage in the worst forms of child labor, including in forced begging.(5-7) In 2016, the National Statistics Office of Georgia (GEOSTAT) published the results of a National Child Labor Survey conducted with ILO support in 2015.(8) Table 1 provides key indicators on children's work and education in Georgia.

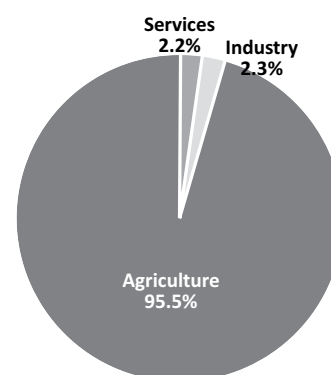
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	2.9 (13,547)
Attending School (%)	5 to 14	96.9
Combining Work and School (%)	7 to 14	3.7
Primary Completion Rate (%)		120.7

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(9)

Source for all other data: Understanding Children's Work Project's analysis of statistics from National Child Labor Survey, 2015.(10)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, activities unknown (1, 4, 11)
Services	Street work, including begging and collecting scrap metal (11-13)
Categorical Worst Forms of Child Labor [‡]	Commercial sexual exploitation, sometimes as a result of human trafficking (5-7, 14)
	Forced begging, sometimes as a result of human trafficking (5-7, 14)




[‡] Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.

Although estimates regarding the ethnicity and origin of children working on the street vary widely, sources report that children from Roma and Azerbaijani Kurd ethnic minorities make up a significant proportion of these children.(15) NGOs note that a lack of current data on the number and circumstances of children working on the street hinders effective targeting of social services.(15)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Georgia has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Georgia's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 4 of the Labor Code of Georgia (16)
Minimum Age for Hazardous Work	Yes	18	Article 4 of the Labor Code of Georgia (16, 17)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Article 30 of the Constitution of Georgia; Articles 143-i, 143-ii, and 143-iii of the Criminal Code of Georgia; Law of Georgia on Combating Human Trafficking (18-20)
Prohibition of Child Trafficking	Yes		Articles 143, 143-i, 143-ii, 143-iii, and 172 of the Criminal Code of Georgia; Law of Georgia on Combating Human Trafficking (19, 20)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 171, 253, 255, 255-1, and 255-2 of the Criminal Code of Georgia (20-22)
Prohibition of Using Children in Illicit Activities	Yes		Article 171 of the Criminal Code of Georgia (20, 21)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Articles 9 and 21 of the Law of Georgia on Military Duty and Military Service (23, 24)
State Voluntary	Yes	18	Article 10 of the Law of Georgia on Military Duty and Military Service (22-25)
Non-state Compulsory	No		
Compulsory Education Age	Yes	15 [‡]	Articles 2 and 9 of the Law of Georgia on General Education (26, 27)
Free Public Education	Yes		Article 22 of the Law of Georgia on General Education (26)

[‡] Age calculated based on available information (26, 27)

In June 2016, Parliament adopted a legislative package proposed by the Interagency Coordination Council on Combating Trafficking in Persons, which amended 10 different laws.(28) Among other issues, these legislative changes expanded the child protection referral mechanism by establishing a legal duty to report suspected child trafficking to the police and Social Service Agency for a broader list of individuals and institutions.(14) The legislation also improved access to the identification cards necessary for obtaining government assistance for children living and working on the street.(28) Despite this effort, the identity card requirement remains a significant barrier to street children's access to social services. As a result, in 2016, the Government drafted legislation that would eliminate this requirement.(28)

The compulsory education age leaves 15-year-old children vulnerable to the worst forms of child labor because they are not required to be in school but are not legally permitted to work full time. In addition, although Article 4 of the Labor Code establishes age 14 as the minimum age for participation in work that is not harmful to the moral, physical, and mental development of the child, the law does not specify specific activities in which children under the legal working age are allowed to engage or the hours they are allowed to work.(16, 29)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Health, and Social Affairs (MoLHSA)	Oversee child welfare issues and address labor matters.(21) Receive complaints through the Child Protection and Social Programs sub-department, and refer complaints of child labor violations to law enforcement agencies for investigation.(30)
Department of Labor Inspection within MoLHSA	Pilot program designed to enforce occupational safety and health laws, and prohibitions of forced labor and human trafficking.(11)
Department of Labor and Employment Policy within MoLHSA	Address labor and employment issues, and revise existing laws and policies to be in accordance with international standards.(27)
Social Service Agency within MoLHSA	Administer social benefits such as targeted social assistance, health care, and vouchers for day care. Employ social service agents who identify qualifying families for services and social workers who oversee child protection and family welfare cases.(11)
Ministry of Internal Affairs (MoIA)	Enforce criminal laws related to child labor and child trafficking, and investigate NGO and civilian reports of potential child labor violations.(2, 3, 21)
Central Criminal Police Department within the MoIA	Lead criminal investigations of trafficking in persons, including the trafficking of children, through the Division for Combating Illicit Trafficking of Drugs, Human Trafficking, and Irregular Migration.(30) Identify human traffickers and systematize data on traffickers across various agencies through the Information-Analytical Department.(31) Investigate possible human trafficking schemes by deploying teams of two law enforcement officials in Mobile Units to investigate companies offering suspicious work opportunities abroad.(30, 32)
District Police Units within the MoIA	Collect information on minors within each jurisdiction and visit minors' families to inform them of their rights. Conduct classes for school teachers on children's rights.(33)
Prosecutor General's Office within the Ministry of Justice	Investigate large-scale cases of child trafficking.(3)
Joint Child Referral Mechanism	Ensure interagency coordination of the enforcement of child labor laws and enumerate the procedures for referring children subject to any form of violence, including labor exploitation, to child protective services. (2, 30) Once any ministry identifies a case of child exploitation, the MoIA registers the case. MoLHSA then assesses the child's condition, provides shelter and rehabilitation services to the child as needed, and monitors the child's case.(3)

In March 2015, the Prime Minister signed Decree No. 81, which established a Department of Labor Inspection within the Ministry of Labor, Health, and Social Affairs (MoLHSA). In April 2015, MoLHSA issued a statute establishing the competencies of the Department of Labor Inspection.(34-36) However, Article 3 of the Law on Oversight of Entrepreneurial Activity states that any government agency charged with oversight of private enterprise requires a court order to enter the premises of a place of business or even review documents from the employer.(37) This provision obstructs the Department of Labor Inspection from enforcing Georgia's labor laws through inspections, in accordance with international norms.(38) Although labor monitors are permitted to enter businesses without the permission of the employer if there are grounds to believe that monitoring may uncover a case of human trafficking, monitors remain unable to inspect for violations of other provisions of the labor code, including laws on child labor.(39) In addition, labor monitors are unable to impose sanctions or assess penalties for violations found.(38)

Labor Law Enforcement

In 2016, Georgia lacked a labor inspectorate to enforce laws on child labor, including its worst forms.(11)

Georgia

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

However, the Department of Labor Inspection, a pilot initiative established in 2015 to monitor compliance with occupational safety and health laws and laws prohibiting forced labor and human trafficking, continued to function during the reporting period.(11, 28, 34) The pilot program is an initial step toward establishing a labor inspectorate, intended to build the capacity and credibility of the inspectorate when the inspectorate is fully established.(40) Currently, except in cases of suspected human trafficking or forced labor violations, the Department of Labor Inspection is only able to conduct monitoring of the 150 companies that volunteered to participate in the pilot program and must give companies 5 days' notice prior to a monitoring visit.(34, 41, 42) In addition, a source reported that because the State Monitoring Program does not have sanctioning authority and its findings are confidential, the monitoring has little impact on workers.(38)

During the reporting period, the Department of Labor Inspection received a budget of \$230,000 and employed 25 labor monitors. Monitors conducted 225 monitoring site visits, including 7 unannounced inspections, and found no violations of child labor laws.(28) Inspectors received training from the ILO. The Department for Inspection of Labor Conditions purchased specialized equipment to test for compliance with occupational safety and health standards.(28)

In 2016, the Social Service Agency under MoLHSA provided services to 710 children found living or working on the street.(28) Of these children, 90 were provided with personal documentation, and others were enrolled in the education system, put in the care of social services, or enrolled in social programs.(13)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Georgia took actions to combat the worst forms of child labor (Table 6).

Table 6. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (11)	Yes (28)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (11)	Yes (28)
Refresher Courses Provided	Yes (11)	Yes (28)
Number of Investigations	2 (11)	2 (28)
Number of Violations Found	2 (11)	0 (28)
Number of Prosecutions Initiated	3 (11)	0 (28)
Number of Convictions	1 (15)	5 (28)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (11)	Yes (28)

Training on trafficking in persons and combating child exploitation was conducted for investigators, prosecutors, and judges, including training on combating child trafficking and online sexual exploitation of children.(28, 43)

Research found that the police have, in some instances, refused to investigate cases of forced begging raised by NGOs, claiming that street begging could not be considered a violation of children's rights under the current legislation.(15)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although the Government has established coordinating mechanisms to combat human trafficking and promote child welfare, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 7).

Table 7. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Child Rights Council*	Monitor implementation of the Child Rights chapter of the National Human Rights Action Plan, which is based on provisions of the UN CRC. Replace the Inter-Ministerial Coordination Council on Childcare, which was disbanded upon completion of the Action Plan for Child Welfare and Protection (2012–2015).(28)
Interagency Anti-Trafficking Coordination Council for the Implementation of Measures Against Human Trafficking	Coordinate government efforts against trafficking in persons and children, including efforts to protect and rehabilitate victims.(3) Refer child victims to shelters to receive social services.(2) Chaired by the Minister of Justice and comprises representatives from state agencies and non-state entities.(30) In 2016, approved the National Action Plan on Trafficking in Persons for 2017 and opened competition for NGOs to propose a plan for identifying and mapping the population of children living and working on the street.(14)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 8).

Table 8. Key Policies Related to Child Labor

Policy	Description
National Human Rights Strategy (2014–2020)	Identifies human rights priorities, including the protection of child rights. Led to the adoption of a National Action Plan on the Protection of Human Rights 2014–2016, which includes objectives to strengthen the provision of services to vulnerable children, such as those living and working on the streets, and requires implementation of ILO C. 138 and C. 182.(44, 45)
Anti-Trafficking Action Plan (2015–2016)	Supports implementation of activities to address human trafficking, including the exploitation of children. Focuses on identifying street children and including them in formal education, as well as ensuring that shelters for human trafficking victims properly accommodate child victims.(46)
EU Association Agreement and Association Agenda (2014–2016)	Outlines a framework for cooperation between Georgia and the EU. Requires Georgia to institute a number of initiatives to protect children's rights, including addressing child poverty, providing adequate resources to the Public Defender to undertake work for children, and focusing on measures to protect children against all forms of violence.(3, 47)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Key Social Programs to Address Child Labor

Program	Description
<u>Global Research on Child Labor Measurement and Policy Development (MAP)</u>	USDOL-funded research project implemented by the ILO in 10 countries. Supported the National Statistics Office of Georgia (GEOSTAT) in conducting a National Child Labor Survey, the results of which were published in 2016.(48) For additional information on USDOL's work, please see our Web site .
Improved Compliance With Labor Laws in the Democratic Republic of Georgia	\$2 million USDOL-funded grant implemented by the ILO to work with the Government to improve its ability to enforce labor laws, including child labor laws, and adhere to international labor standards.(43) Key objectives of the project include supporting the establishment of effective labor law enforcement mechanisms in Georgia through labor inspection and promoting effective tripartite cooperation.(49)
Targeted Social Assistance Program and Child Benefit Program†	Social Service Agency-administered social assistance programs designed to eliminate poverty, especially child poverty. The Child Benefit Program is intended to halve extreme poverty among children, and covers about a quarter of the most vulnerable families with children.(50)
Social Rehabilitation and Childcare Program†	Government program, with a 2016 budget of \$9.6 million, that provides assistance to children at high risk of abandonment and children with disabilities; also places abandoned children in appropriate care.(3, 11, 28)
State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking†	MoLHSA program to protect, assist, and rehabilitate trafficking and domestic violence victims, including minors.(3, 51) Implements the Government's Rehabilitation and Reintegration Strategy, which includes operating trafficking shelters in Batumi and Tbilisi.(2, 52) In 2016, received a total budget of \$2.75 million.(11)

Table 9. Key Social Programs to Address Child Labor (cont)

Program	Description
Education-Focused Programs for Vulnerable Children	The Ministry of Education and Science funds multiple programs to promote the inclusion of vulnerable children in education. Initiatives include a program designed to increase the school participation of street children, victims of forced begging, and children who are seasonal agricultural workers; a program to increase the number of Georgian language teachers in communities with large ethnic minority populations; and a program to distribute free textbooks to public school students.(11, 30, 42, 53)
UNICEF Country Program (2016–2020)	Joint effort by UNICEF and the Government of Georgia to improve social inclusion of the most vulnerable children.(54)

† Program is funded by the Government of Georgia.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Georgia (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Determine the types of hazardous work prohibited for children in consultation with employers' and workers' organizations.	2016
	Increase the age up to which education is compulsory to 16, the minimum age for work.	2009 – 2016
	Ensure that the law's light work provisions are specific enough prevent children from involvement in child labor.	2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Establish a functioning Labor Inspectorate to enforce child labor legislation. Ensure that the Labor Inspectorate has funding to provide a sufficient number of inspectors; that inspectors are capable of performing quality targeted, complaint-based, and unannounced inspections; that inspectors have the ability to assess penalties; and that data on the number and type of inspections, violations, and penalties are made publicly available.	2009 – 2016
	Ensure that legislation permits the Department for Inspection of Labor Conditions to enter the premises of all businesses to conduct unannounced inspections, and empowers monitors to impose sanctions for the violation of labor laws.	2015 – 2016
	Ensure that labor monitors inspect for compliance with the full range of labor laws, including laws against child labor.	2015 – 2016
	Ensure that cases of forced begging are recognized as criminal acts and receive appropriate and thorough investigation by the Police.	2014 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including in all its worst forms.	2009 – 2016
Social Programs	Conduct a survey on the number and circumstances of children living and working on the street, to facilitate effective targeting of policies and programs.	2015 – 2016

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